

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE**

**CIVIL COURTROOM MINUTES - GENERAL**

**Case No.** 3:04-CV-556      **At** Knoxville, TN      **Date** October 16, 2007

**Style** Lori Ann Yancey, et al      **vs**      Marty Carson

**PRESENT:**

**HONORABLE Thomas A. Varlan, United States District Judge**

Julie Norwood  
**Deputy Clerk**

Lynda Carter/Miller&Miller  
**Court Reporter**

**ATTORNEY(S) PRESENT FOR PLTFs:**

David S. Wigler  
Herbert Moncier

**ATTORNEY(S) PRESENT FOR DEFTs:**

John Duffy

**PROCEEDINGS:**

**Final Pretrial Conference held.** The parties shall meet and attempt to reach agreement regarding designations of the portions of witness depositions that shall be used at trial by October 26, 2007. Plaintiff orally moved for leave to file Motions in Limine. Motion is granted. Motions In Limine or Trial Briefs shall be filed on or before October 22, 2007 and Responses to those Motions shall be file on or before October 25, 2007.

Oral Argument on doc. 60 Plaintiffs' First MOTION to Amend/Revise (doc. 39 in 3:04-cv-00610) Memorandum & Opinion, (doc. 40 in 3:04-cv-00610) Order on Motion for Summary Judgment. Plaintiffs' Motion is granted to the extent that the Memorandum and Opinion is Amended to Remand the State Claims as to Scott County, Tennessee shall be remanded to State Court.

Doc. 65 First MOTION for Reconsideration re (doc. 58 in 3:04-cv-00556) Order on Motion for Summary Judgment, (doc. 57 in 3:04-cv-00556) Memorandum & Opinion *as to Sec. 1983 consortium claims*. The defendant's motion is granted. Only Lori Yancey shall remain as a plaintiff in the § 1983 action in her capacity as a personal representative of John Yancey's estate. All other plaintiff are dismissed on the § 1983 loss of consortium claims.

It appearing that a typographical error appears in the last sentence on page 12 of this Court's Memorandum Opinion [Doc. 57 in case 3:04-cv-556 and Doc. 39 in case 3:04-cv- 610], entered on October 4, 2007. The Memorandum Opinion is hereby **AMENDED** substituting the word **has** for the words **does not have** and reads as follows: "Specifically, there is no supportable allegation that Scott County has a custom or policy of permitting officers to murder their partners."

Time **1:30 p.m.**      to      **3:25 p.m.**